

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

JEROME McDAVIS, :
 :
 Petitioner :
 : CIVIL ACTION NO. 3:15-0725
 v. :
 : (Judge Mannion)
 Warden VINCE MOONEY :
 :
 Respondent :

ORDER

For the reasons set forth in the Memorandum of this date, **IT IS HEREBY**

ORDERED THAT:

1. The petition for writ of habeas corpus, (Doc. [1](#)) is **DISMISSED** without prejudice to any right Petitioner may have to reassert his instant claims in a properly filed civil rights action.
2. Petitioner's motion to proceed in forma pauperis (Doc. 4) is **DISMISSED** as moot as the filing fee was paid on April 27, 2015.
3. The Clerk of Court shall **CLOSE** this case.
4. There is no probable cause to issue a certificate of appealability.¹

s/ *Malachy E. Mannion*
MALACHY E. MANNION
United States District Judge

Dated: May 5, 2015

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¹Jurists of reason would not debate the procedural or substantive disposition of the Petitioner's claims. See [Slack v. McDaniel, 529 U.S. 473, 484 \(2000\)](#). Therefore, no certificate of appealability will be granted. See id.